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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/827,957
Filing Date: April 05, 2001
Appellant(s): RAIZ ET AL.

David D. Wier
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/3/05.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct. Applicant filed a response to the Final Action on 5/28/04, which was considered but did not place the application in condition for allowance.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Prior Art of Record

6,039,047	Rock et al.	3-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 6, 039, 047 (Rock et al.), herein referred to as Rock.

Referring to claim 1, Rock discloses a method for displaying a focus state of a user interface element in a graphical user interface of a computing system (column 1, lines 24-26). Rock also discloses testing whether a control state of a user interface element is disabled or active and if the control state is active, detecting if the user interface element is in a focus state, wherein the positioning of the pointer and the response to this pointer, determines whether the control state is active or inactive and if active, allowing the user interface element to be in a focus state (column 3, lines 4-18). Rock discloses that if the user interface element is an active control state and in a focus state, building a merged state indicating the user interface element is active and in a focus state and rendering based on the merged state a display of the user interface element in an active state with a focus state indicator (column 3, lines 52-62).

Referring to claim 2, Rock discloses that the control state is normal, and wherein once the pointer is placed over the control, the control is a focus state and a normal state, a merged normal-focus state is built (column 3, lines 47-49).

Referring to claim 3, Rock discloses the control-appearance application determining the theme data for the normal and focus states, wherein the data is received based on the focus state

and the normal state, and drawing the user interface element on a display based on the theme data for the normal state and drawing the focus indicator on the user interface element based on the theme data for the focus state (column 3, lines 47-62).

Referring to claim 4, Rock discloses a state wherein, the mouse is placed over the control element, thereby defining a hot state (column 3, lines 46-48) and wherein once the pointer is placed over the control, the control is a focus state and a hot state, a merged hot-focus state is built (column 3, lines 47-49).

Referring to claim 5, Rock discloses the control-appearance application determining the theme data for the hot and focus states, wherein the data is received based on the focus state and the hot state, based on the pointer being placed over the control regions, and drawing the user interface element on a display based on the theme data for the hot state and drawing the focus indicator on the user interface element based on the theme data for the focus state (column 3, line column 3, lines 52-62).

Referring to claim 6, Rock discloses that the control state may be disabled, normal, hot or selected depending upon the availability of the user interface element and the input from the user and the control states having a possible focus state are normal and hot (column 3, lines 47-51).

Referring to claim 7, Rock discloses means for displaying a themed focus state of a control element in a graphical user interface of a computing system (column 1, lines 24-26). Rock discloses receiving a control state for the control element and detecting if the control element is in a focus state (column 3, lines 4-18). Rock discloses that if the control element is in focus state, building a combined state indicating the control state and focus state of the control

element and rendering the control element based on the combined state so that the control element is displayed with a themed focus state (column 3, lines 52-62).

Referring to claim 8, Rock discloses detecting whether a control state of a user interface element is disabled or active and if the control state is disabled, rendering the control element based on a theme for the control state (column 3, lines 49-51).

Referring to claim 9, Rock discloses the control state and the focus state having their respective control state theme and focus state theme, and retrieving the control state theme and the focus state theme for drawing the control element based on the control state theme and the focus state theme so that the control element in a focus state is displayed with a focus state theme (column 3, lines 52-62).

Referring to claim 10, Rock discloses that only control states, where the control element is available and has not been selected, may also have a focus state (column 3, lines 47-62).

Referring to claim 11, Rock discloses a method for changing visual styles of a focus state indicator in a control element in a graphical operating system running on a computer system (column 1, lines 24-26 and column 2, lines 52-54).). Rock discloses receiving a control state for the control element and detecting if the control element is in a focus state (column 3, lines 4-18). Rock discloses drawing the control element using an operative state theme when the act of detecting detects the control element is not in focus state (column 3, lines 49-51). Rock also discloses creating a combined state for the control elements, when the act of detecting detects the control element is in a focus state, the combined state being a single merged state representing the operative state and the focus state and drawing the control element in the combined state

using the operative state theme and a focus state theme, whereby the visual style of a focus state indicator in the control element is changed by the focus state theme (column 3, lines 52-62).

Referring to claim 12, Rock discloses receiving a focus state for the control element, testing whether the operative state of the control element is normal and if the operative state is normal, setting the combined state to a hot-focus state (column 3, lines 47-49).

Referring to claim 13, Rock discloses the control-appearance application determining the theme properties for the normal and focus state themes, wherein the properties are received based on the focus state theme and the normal state theme, and rendering the control element with both the normal state theme properties and the focus state theme properties (column 3, lines 47-62).

Referring to claim 14, Rock discloses receiving a focus state for the control element, testing whether the operative state of the control element is hot and if the operative state is hot, setting the combined state to a hot-focus state (column 3, lines 52-62).

Referring to claim 15, Rock discloses the control-appearance application determining the theme properties for the hot and focus state themes, wherein the properties are received based on the focus state theme and the hot state theme, and rendering the control element with both the hot state theme properties and the focus state theme properties (column 3, lines 47-62).

Referring to claim 16, Rock discloses receiving a focus state for the control element and testing whether the operative state of the control element is disabled and if the operative state is disabled, performing an error handling process, wherein the process entails the dimming of the controls (column 3, lines 49-57).

Referring to claim 17, Rock discloses a system for themeing a focus state indicator separative from an operative theme for a control element in a graphical operating system (Figure 1 and column 1, lines 24-26), the imaging system being separate from the graphical operating system in the computer system of Figure 1. Rock discloses means for determining the operative state of the control element and means for testing whether the control element is in a focus state and indicating a focus condition or a non-focus condition (column 3, lines 47-51). Rock also discloses means for in response to the focus state indicating the focus condition merging the operative state and the focus state into a combined state indicating the control element may be rendered based on both an operative state and a focus state (column 3, lines 52-62).

Referring to claim 18, Rock discloses means for drawing the control element with operative state theme properties and a focus state indicator with focus state theme properties (column 3, lines 52-62).

Referring to claim 19, Rock discloses in response to non-focus condition drawing the control element with operative state theme properties (column 3, lines 49-51).

Referring to claim 20, Rock discloses a user interface with selectable focus indicators for control elements in a graphical user interface for a computing system (column 1, lines 24-26). Rock discloses receiving an operative state theme for rendering a display of an operative state for a control element, receiving a focus state theme for rendering the focus state of the control element and displaying the control element in a combined operative-focus state, the display of the control element in the combined state being based on the operative state theme and the focus state theme whereby control elements in the user interface have selectable focus indicators (column 3, lines 52-62).

(10) Response to Argument

With respect to Applicant's arguments that Rock only teaches testing for a single display state. Rock teaches a two step process in which there is testing for whether the control is active or disabled and further testing for detecting the focus state of the control. See Figure 5. Figure 5 teaches a flowchart, which iterates through various processes to determine the display style of a control, specifically in reference to steps 510, 520 and 530. The flow through these three steps can be continuous, wherein after the first iteration beginning at step 510 through 520 to reach 530, wherein step 530 determines if the control is in an active or disabled state, and wherein in this case, active refers to a undimmed state, and wherein at step 530, a clear determination is made as to the state of the control, and wherein once the control has been established to be active, this leads the next step to be 510, followed by 520, wherein step 520 detects and determines if the control is in focus, wherein if the pointer is over a control region, it is on focus. It is this iterative process, wherein starting at 530, followed by 510 and then 520, wherein there exists two separate testing steps for determining control states. Figure 5 of Rock does show the determination of an active state and further determination of a focus state, wherein the process starts at step 520 and flows to step 530 and once this has occurred, the process that further occurs will clearly disclose the two step determining process, wherein at step 530 a determination is made as to whether the control is active (undimmed) or disabled (dimmed), and wherein when at step 530, the control regions are determined to be active (undimmed), which would mean the answer at step 530 is "NO", taking the process back up to step 510, wherein this occurs once a testing has been made to determine if the control is active and upon determining that the control is active, the location of pointer is checked at steps 510 and 520 to determine the position of the

pointer, wherein if the position is on the control then the pointer enables for a focus state to be occurring wherein the pointer being on the control indicates a focusing mechanism. Therefore, the merged state is built, wherein the user's control state of active (undimmed) and focus state, which occurs when the user's pointer is over the control region, as shown in Figure 9 of "Control Region 3".

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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April 1, 2005

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